

TOGUT, SEGAL & SEGAL LLP  
Proposed Attorneys for Albert Togut, Not Individually  
But Solely in His Capacity as Chapter 7 Interim Trustee  
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New York, New York 10119  
(212) 594-5000  
Neil Berger

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In the Matter : Chapter 7  
: Case No. 20-12534-SCC  
-of- :  
: WMCH 25 Holdings, LLC, :  
: Debtor. :  
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**APPLICATION FOR ORDER AUTHORIZING THE CHAPTER 7 INTERIM  
TRUSTEE TO RETAIN TOGUT, SEGAL & SEGAL LLP AS HIS ATTORNEYS**

TO THE HONORABLE SHELLEY C. CHAPMAN,  
UNITED STATES BANKRUPTCY JUDGE:

ALBERT TOGUT, not individually but solely in his capacity as the Chapter 7 interim trustee (“Applicant”) of the estate of WMCH 25 Holdings, LLC (the “Debtor”), hereby makes this application (the “Application”) for an order authorizing his retention of Togut, Segal & Segal LLP (the “Togut Firm”) as his attorneys, and respectfully shows this Honorable Court that:

**BACKGROUND**

1. This case began on October 28, 2020 (the “Petition Date”) when the Debtor filed a voluntary Chapter 7 petition (the “Petition”) in this Court.
2. On October 29, 2020, Applicant was appointed as the Chapter 7 Interim Trustee of the Debtor, accepted his appointment, duly qualified and is acting as Trustee herein.

3. The Schedules that were filed with the Debtor's Petition disclose that the Debtor owns and has interests in multiple subsidiaries (the "Subsidiaries"), and that the Debtor engaged in transactions prior to the Petition Date (the "Transactions") that the Trustee intends to investigate.

4. Consequently, the Trustee seeks authorization to retain Togut, Segal & Segal LLP (the "Togut Firm") to assist in the administration of this estate including, without limitation, to investigate property of this estate and pre-petition transactions.

5. Consequently, the Trustee seeks authorization to the Togut Firm to assist in the administration of this estate.

#### **RELIEF REQUESTED**

6. The Trustee seeks entry of an Order, pursuant to section 327 of the Bankruptcy Code, Rule 2014 of the Federal Rules of Bankruptcy Procedure, and Local Bankruptcy Rule 2014-1, authorizing him to retain the Togut Firm as his attorneys in this case, *nunc pro tunc* to October 29, 2020, the first date on which the Togut Firm performed services for the Trustee.

7. The Trustee respectfully submits that the retention of the Togut Firm under the terms described herein is appropriate under Bankruptcy Code section 327, which empowers the Trustee, with the Court's approval, to employ attorneys "that do not hold or represent an interest adverse to the estate, and that are disinterested persons, to represent or assist the trustee in carrying out the trustee's duties under this title."

8. The attorneys employed by the Togut Firm are duly admitted to practice before this Court and in the State of New York, and are "disinterested persons" as that term is defined in section 101(14) of the Bankruptcy Code, and are qualified to

act as attorneys in the above-mentioned matters, all as more particularly set forth in the annexed Affidavit of Albert Togut, the senior member of the Togut Firm.

9. Applicant has selected the Togut Firm because the firm's practice is highly specialized and is limited, almost exclusively, to matters pending in the Bankruptcy Court. The Togut Firm has had considerable experience in matters of this nature and has acted in a professional capacity in numerous Chapter 7 cases, representing the interests of trustees, as well as individual secured and unsecured creditors.

10. Professional legal services required on behalf of the Trustee and the estate include, but are not limited to (the "Services"):

- a. assisting the Trustee to identify, marshal and liquidate the Debtor's assets including without limitation, the Subsidiaries ;
- b. investigating the financial affairs of the Debtor including, without limitation, the Transactions, and initiating appropriate avoidance actions, if any;
- c. commencing contested matters, where necessary, to avoid and recover transfers that were made by the Debtor prior to the Petition Date; and
- d. initiating and litigating claim objections where a purpose would be served.

11. The Togut Firm shall be employed under a general retainer. The rates to be charged will be the standard billing rates charged by the Togut Firm for rendering similar services in bankruptcy cases, such as the Debtor's case. The billing rates of the Togut Firm currently range from \$195 to \$1,220 per hour. Specifically, the hourly rates that the Togut Firm charges its clients range from: \$840 to \$1,220 for partners; \$750 to \$945 for counsel; \$385 to \$780 for associates; and \$195 to \$390 for legal assistants and support staff. The Togut Firm's rates are adjusted in January of each year. Additionally, the Togut Firm will seek reimbursement for actual and

necessary out-of-pocket expenses incurred in connection with the retention of its professional services.

12. The Togut Firm has agreed that all compensation to be received from the estate shall only be pursuant to written application in accordance with sections 330 and 331 of the Bankruptcy Code and shall be subject to further Order(s) of this Court.

13. Applicant required the assistance of the Togut Firm, on and after October 29, 2020, to consult with Debtor's counsel and to describe the Trustee's and the Debtor's rights and duties. Consequently, Applicant respectfully requests that the retention of the Togut Firm be effective *nunc pro tunc* to October 29, 2020, which is the first date on which the Togut Firm provided legal services in this case.

14. Notice of the pre-fixed order has been given pursuant to Local Bankruptcy Rule 9074-1(b).

15. No previous application for the relief sought herein has been made to this or any other Court.

*[Concluded on Following Page]*

**WHEREFORE**, Applicant respectfully requests that he be authorized to employ the Togut Firm as his attorneys in this case, and that such other and further relief be granted as is just and proper.

DATED: New York, New York  
November 3, 2020

/s/ Neil Berger  
ALBERT TOGUT  
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as the Chapter 7 Interim Trustee*  
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